

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Peaceful Valley Ranch;
GPA 03-05; REZ 03-015; TM 5341; P 04-048; ER 04-19-007**

May 1, 2007

I. Introduction

The project is a subdivision of 181.3 acres into 57 lots. The development plan includes 47 residential parcels, 1 public equestrian facility lot, 1 lot for joint-use for a fire station as well as administrative offices for the local Rural Fire Protection District and the U.S. Fish and Wildlife Service, 1 biological open space lot, 1 lot for a private horse stable and polo training facilities, and 6 private roadway lots. Lots will be served by on-site septic systems and water from the Otay Water District. Earthwork will involve a balanced cut and fill of approximately 308,000 cubic yards of material. Off-site impacts include road and intersection improvements to Campo Road (SR-94) along the project frontage. The project site is located along SR-94, across from the intersection of SR-94 and Melody Road in the Jamul/Dulzura Subregional Plan Area of unincorporated San Diego County. The project's southern border is adjacent to a portion of the Daley Ranch.

The project site contains native vegetation, existing agricultural land and developed areas. Existing development includes two existing residences, horse facilities, produce packing facilities and a paved road. The site contains two USGS "blue-line" streams and other ephemeral drainages. Habitats on-site consist of coast live oak woodland, riparian woodland, mule fat scrub, Diegan coastal sage scrub, southern mixed chaparral, non-native grassland, non-native vegetation, eucalyptus woodland, disturbed habitat, agriculture and developed land. Two (2) sensitive plants and eight (8) sensitive wildlife species were observed on site: San Diego sagewort (*Artemisia palmeri*), San Diego sunflower (*Viguiera laciniata*), Cooper's hawk (*Accipiter cooperi*), Bell's sage sparrow (*Amphispiza belli belli*), northern harrier (*Circus cyaneus hudsonius*), California horned lark (*Eremophila alpestris actis*), loggerhead shrike (*Lanius ludovicianus*), red-shouldered hawk (*Buteo lineatus*), western bluebird (*Sialia mexicana*), and great blue heron (*Ardea herodias*). Protocol surveys were performed for the California gnatcatcher (2003) and Quino checkerspot butterfly (2003 and 2005) with negative results. One wintering and one nesting season survey for the burrowing owl were conducted with negative results. The project site is within the Metro-Lakeside-Jamul segment of the County Subarea Plan and is not mapped as Pre-Approved Mitigation Area nor considered a Biological Resource Core Area (BRCA). There are no known wildlife corridors or linkages through the site.

The subdivision would directly impact 50.9 acres of the following habitats: Diegan coastal sage scrub, southern mixed chaparral and non-native grassland. Impact acreages are listed in Table 1. Three on-site Open Space Easements and associated

Limited Building Zone Easements will be dedicated for preservation and avoidance of the site's significant drainages and buffers for those drainages. The on-site open spaces are required for avoidance of Resource Protection Ordinance wetlands and jurisdictional waters, and mitigation credit is not granted for the preserved areas. Mitigation for project impacts will consist of off-site habitat purchase, as detailed in the Environmental Impact Report (EIR).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Open Space (ac.) Impact Neutral	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Coast live oak woodland	I	0.9	0.9	0	-	-
Oak root zone buffer	I	0.04	0	0.04	1:1	0.04
Riparian woodland	I	0.4	0.4	0	-	-
Mule fat scrub	I	0.03	0.03	0	-	-
Diegan coastal sage scrub ¹	II	29.6	4.5	25.0	1:1	25.0
Southern mixed chaparral	III	3.1	0	3.1	0.5:1	1.6
Non-native grassland	III	25.0	2.9	22.8 ²	0.5:1	11.4
Non-native vegetation	IV	0.9	0	0.9	-	-
Eucalyptus woodland	IV	0.4	0	0.4	-	-
Disturbed habitat	IV	9.5	0	9.5	-	-
Agriculture	IV	106.0	0	106.0	-	-
Developed land	IV	5.5	0	5.5	-	-
Total:	--	181.3	8.7	173.2	--	38.1

¹ Includes disturbed Diegan coastal sage scrub

² Includes both on- and off-site impacts to non-native grassland

The findings contained within this document are based on County records, staff field site visits and the Biological Technical Report (HELIX Environmental Planning, Inc., March 26, 2007). The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance will require new findings based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

Sensitive plant species and sensitive animal species have been identified on the land. However, the majority of the land has been disturbed by past agricultural and residential activities and does not contribute to the long-term survival of sensitive species.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

Natural drainages on the site could provide movement opportunities for small wildlife between the site and adjacent lands. Daley Ranch, a large undeveloped and preserved area is located adjacent to the site's southern border. An MSCP preserve area is located west of the site (across SR-94), while a narrow strip of

preserved land is located on the project side of an adjacent residential subdivision to the east. However, the site's highly disturbed nature and past activities have impacted the site and its drainages, which currently provide very little vegetative cover or topographic relief to encourage movement of wildlife through the site. The California gnatcatcher is not known to use the site. Therefore, the project site does not meet this finding and is not part of a regional linkage or corridor.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The majority of the site is shown as agriculture habitat. The drainage areas are shown as low and medium value. The northern edge and a small area on the eastern border of the property are shown as high value habitat, corresponding to areas of the site that currently contain coastal sage scrub vegetation. However, the site does not link significant blocks of habitat because the areas shown as high or very high are small, fragmented and do not connect to significant blocks of habitat.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The land does not consist of and is not within a block of habitat greater than 500 acres.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The land does not contain a high number of sensitive species. The soils on site are Vista rocky coarse sandy loam, Fallbrook sandy loam, Ramona sandy loam, Fallbrook rocky sandy loam and Tujunga sand. These soils are not known to support sensitive species.

- B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

Mitigation will take place off site with the purchase of credits in a County-approved mitigation bank, within a BRCA in the MSCP or the purchase of an off-site area qualifying as a BRCA within the MSCP.

There will be Biological Open Space dedicated on-site for purposes of avoiding RPO wetlands and significant jurisdictional waters. The open spaces are not considered Biological Resource Core Areas and therefore, are not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of these types of resources. Project Design Criteria, including Attachments G and H, are not required.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

There are several natural drainages on the property. The largest drainage meets the wetland definition of the Resource Protection Ordinance, is considered a non-wetland Waters of the U.S. and is also under state jurisdiction. This feature runs north-south through the center of the site and the northwest corner, and is crossed by an existing road. This entire drainage with the exception of the existing crossing will be preserved in dedicated open space. A smaller drainage in the southeast corner of the site is under state jurisdiction and will be preserved in a dedicated open space, with the exception of one existing crossing. The project will impact 0.32 acres of non-wetland Waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers and the California Department of Fish and Game. The project will mitigate by purchasing 0.32 acres of wetland creation credits offsite. Therefore, there will be no net loss of wetlands due to this project.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The coast live oak woodland, riparian woodland and the two largest drainage features on site are considered the most unique habitats on site. These habitats will be conserved in dedicated Biological Open Space Easements.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

Although there is coastal sage scrub vegetation on site, the habitat is fragmented by on-site agriculture and adjacent residential development, and does not form an extensive patch. A total of 8.3 acres of habitat will be preserved on-site within biological open space easements required to avoid RPO wetland resources. The northern edge and a small area on the eastern border of the property are shown as high value habitat, corresponding to areas of the site that currently contain coastal sage scrub vegetation. The remainder of the site is predominantly ranked as agriculture, with the drainage areas shown as low and medium value. The project will conserve the RPO wetlands on-site, and will purchase off-site coastal sage scrub in a mitigation bank located in the MSCP or other area in the MSCP known to support high quality habitat.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

Since the project site is adjacent to residential development to the north and east, it is not possible or desirable to create a significant block of habitat through on-site preservation. Off-site mitigation as proposed by the project will contribute toward creating large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

5. The project provides for the development of the least sensitive habitat areas.

All RPO wetlands on-site will be preserved in dedicated Open Space Easements. The project will impact 50.9 acres of habitat on- and off-site, including Diegan coastal sage scrub, southern mixed chaparral and non-native grassland. These habitats are considered sensitive within the MSCP. However, the project site is predominantly disturbed by existing agricultural uses and adjacent to residential development offsite, thereby limiting its value for future preservation and lowering the sensitivity of on-site habitats. As the site has minimal value for long-term conservation of sensitive plants or wildlife, development of the non-wetland areas of the site is not considered a significant impact to sensitive habitat.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

No endangered, threatened or narrow endemic species were detected on the project site. Two County-sensitive plants and eight County-sensitive wildlife species were observed on site: San Diego sagewort (*Artemesia palmeri*), San Diego sunflower (*Viguiera laciniata*), Cooper's hawk (*Accipiter cooperi*), Bell's sage sparrow (*Amphispiza belli belli*), northern harrier (*Circus cyaneus hudsonius*), California horned lark (*Eremophila alpestris actis*), loggerhead shrike (*Lanius ludovicianus*), red-shouldered hawk (*Buteo lineatus*), western bluebird (*Sialia mexicana*), and great blue heron (*Ardea herodias*). Due to the existing agricultural uses of the site itself and surrounding development, no key populations of these species are anticipated. Off-site purchase and preservation of high quality habitat in an approved mitigation bank or BRCA will provide for habitat conservation that will conserve covered species and sensitive habitats.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The site is not located near any known golden eagle nest sites or within known eagle foraging areas. Although wide-ranging species could move onto the property from the south or west, the site contains little topographic relief or vegetative cover that would encourage wildlife movement. In addition, the site does not connect to large areas of undeveloped land to the north or east. Off-site purchase and preservation of high quality habitat in an approved mitigation bank or BRCA will contribute to the development of large interconnecting blocks of habitat that support these species.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

The project site has no critical populations, narrow endemic species, or rare and/or endangered plants.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project site is not within a Pre-Approved Mitigation Area, nor is it considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development adjacent to the site

preclude it from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

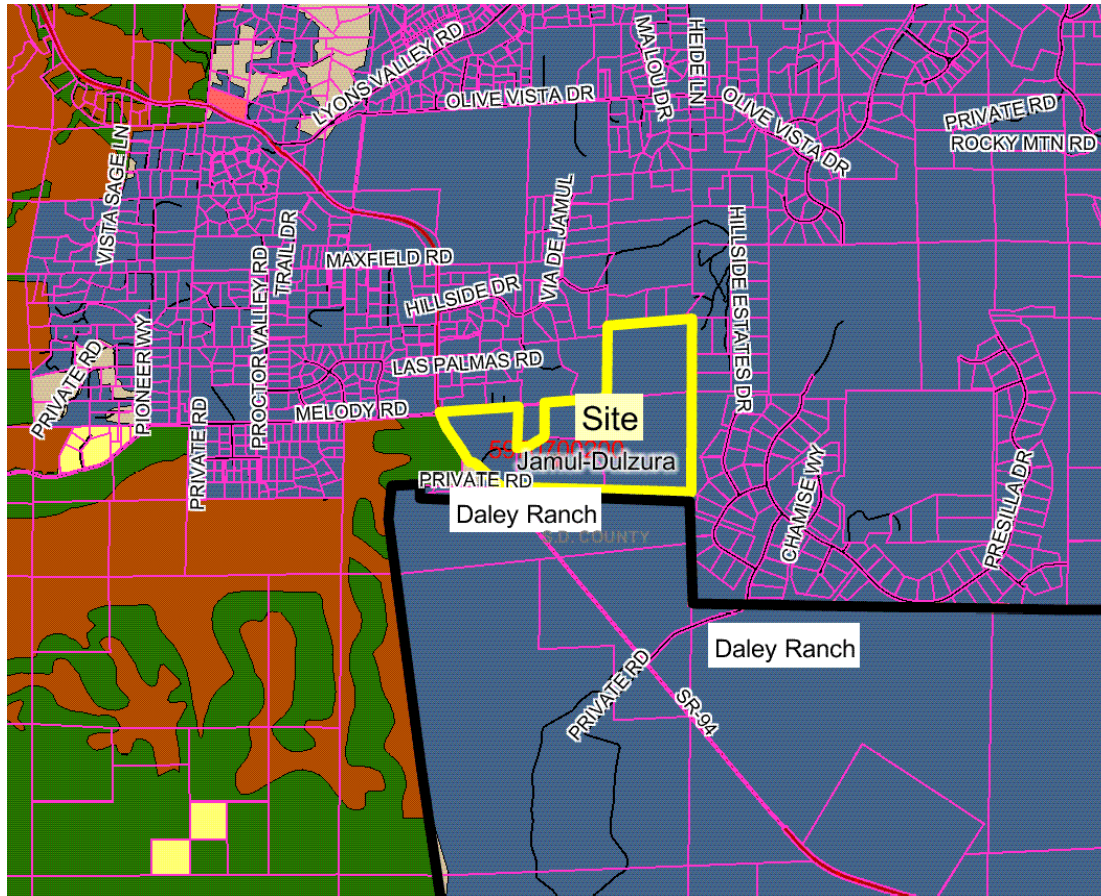
The on-site preservation is required to avoid the Resource Protection Ordinance wetlands and significant jurisdictional waters, and will not be counted toward mitigation. The largest on-site drainages and buffers will be preserved within dedicated Biological Open Space Easements. The buffer widths will protect the preserved drainages from future edge effects from residential development. All Open Space Easements will be surrounded by 100-foot to 150-foot Limited Building Zone Easements, which will prevent fire-clearing into the open spaces.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not within a Biological Resource Core Area. The project site contains Tier I, II and III habitats, all of which are considered sensitive. The site also contains Tier IV habitats that are not considered sensitive. The project will conserve the coast live oak woodland, riparian woodland, and mule fat scrub on site in conjunction with RPO wetlands and significant jurisdictional waters. There were no endangered or narrow endemic species detected on the site. Two County-sensitive plants and eight County-sensitive wildlife species were observed on site. Due to the size of the site, historical and current agricultural uses, and adjacent development, no regionally significant populations of these species are anticipated. Avoidance is not necessary and project related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Christine Stevenson, Department of Planning and Land Use
May 1, 2007

MSCP Designation for Peaceful Valley Ranch GPA 03-05; REZ 03-015; TM 5341; ER 04-19-007



MSCP_Designations - South

- Hardline Preserve
- Pre-Approved Mitigation Area (PAMA)
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to Special Considerations
- Conserved Subject to Agreement with Wildlife Agencies
- Santa Fe Valley Open Space II
- Santa Fe Valley 'D' Designator
- Otay Ranch Areas Where No Take Permits will be Issued
- Take Authorized Area
- Unincorporated Land in Metro-Lakeside-Jamul Segment
- Other